

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

JESSICA HODGES, et al.

Plaintiffs,

vs.

CHATHAM COUNTY, GEORGIA, et al.

Defendants.

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)

Case Number: 4:22-cv-00067-WTM-CLR

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EXHIBIT 12



Gary J. McGinty  
912.644.5748  
[gmcginty@bouhan.com](mailto:gmcginty@bouhan.com)

January 26, 2023

**Via Email**

Mr. David J. Utter  
The Claiborne Firm, P.C.  
410 East Bay Street  
Savannah, Georgia 31401  
[david@claibornefirm.com](mailto:david@claibornefirm.com)

Re: *Jessica Hodges et al. v. Chatham County, Georgia et al.*  
No. 4:22-cv-00067-WTM-CLR  
United States District Court, Southern District

Dear David,

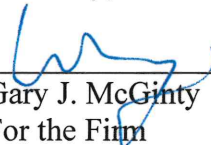
We are writing to let you know that, upon further review, and based upon the facts and circumstances specific to this particular case, we accept that Documents 1-6, 10, 13-14, and 16-18 (as listed on our November 16, 2022 Privilege Log, attached hereto) are not privileged. Those documents, which include the Mortality Review document that is the focus of your Motion to Compel, are attached. We have updated the Privilege Log (also attached), and will formally amend our responses to written discovery on this subject at a later date.

Please note that, in producing these non-privileged documents, our clients are not waiving any claims of privilege or work-product protection in this or any other action. *See* Fed. R. Evid. 502(a). In addition, we specifically reserve the right to challenge the admissibility and use of the documents we are now producing in discovery.

The remaining documents on the log (Documents 7-9, 11-12, and 15) do have information that is protected, so we have applied redactions and withheld accordingly. Please see the attached documents and the updated privilege log.

We believe that the Motion to Compel can now be withdrawn, and that further litigation on this discovery dispute is unnecessary. Please let us know if you agree, or if you would like to have a call to discuss this matter further. Thank you.

Sincerely,



\_\_\_\_\_  
Gary J. McGinty  
For the Firm

Cc: Carlton E. Joyce, Esq.  
Andrew H. Walcoff, Esq.

## CorrectHealth Privilege Log

Nov. 16, 2022

#	Document Description	Document Type	Author	Recipient	Date	Privilege Claimed
1	Communication from K. Forchette to Company's General Counsel re: J. Harned's statement about death of Lee Creely, for review and analysis by Company legal department	Email Correspondence	Karen Forchette	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/8/2020	Attorney-Client Privilege
2	Communication from K. Forchette to Company's General Counsel re: Facility Mortality Review	Email Correspondence	Karen Forchette	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/8/2020	Attorney-Client Privilege
3	Communication from K. Forchette to Company's General Counsel re: information concerning Lee Creely's death and J. Harned's handwritten statement	Email Correspondence	Karen Forchette	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/8/2020	Attorney-Client Privilege
4	Statement from J. Harned about death of Lee Creely, prepared for review and analysis by Company legal department	Handwritten Statement	Jackie L. Harned	Company Legal Department	9/8/2020	Attorney-Client Privilege
5	Facility Mortality Review Form prepared in anticipation of litigation by Company healthcare providers at direction of Company's General Counsel	Handwritten Notes on Attorney-Drafted Form	Artyom Vlasenko, M.D. and Karen Forchette, RN at the direction of Stacy Scott, Esq.	Company Legal Department	9/8/2020	Attorney-Client Privilege; Attorney Work Product
6	Statement from J. Harned about death of Lee Creely, prepared for review and analysis by Company legal department	Typed Statement	Jackie L. Harned	Company Legal Department	9/8/2020	Attorney-Client Privilege
7	Communication from CorrectHealth Medical Provider to General Counsel re: death of Lee Creely, sent to obtain for legal advice from Company legal department	Email Correspondence	Anuj Goel, M.D.	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/10/2020	Attorney-Client Privilege

8	Communication from CorrectHealth General Counsel to Medical Provider re: death of Lee Creely and statement concerning the same	Email Correspondence	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	Anuj Goel, M.D.	9/10/2020	Attorney-Client Privilege; Attorney Work Product
9	Communication from CorrectHealth Medical Provider to General Counsel re: death of Lee Creely and statement concerning same, sent to obtain legal advice from Company legal department	Email Correspondence	Anuj Goel, M.D.	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/10/2020	Attorney-Client Privilege
10	Communication from K. Forchette to Company's General Counsel re: information concerning coroner's subpoena for medical records	Email Correspondence	Karen Forchette	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/10/2020	Attorney-Client Privilege
11	Communication from CorrectHealth Medical Provider to General Counsel re: statement concerning death of Lee Creely, prepared for review and analysis by Company legal department	Email Correspondence	Anuj Goel, M.D.	Company Legal Department	9/15/2020	Attorney-Client Privilege
12	Statement from CorrectHealth Medical Provider re: death of Lee Creely, prepared at request of General Counsel	Typed Statement	Anuj Goel, M.D.	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/15/2020	Attorney-Client Privilege
13	Communication from Company's General Counsel to K. Forchette re: Lee Creely's medical records	Email Correspondence	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	Karen Forchette	9/17/2020	Attorney-Client Privilege
14	Communication from K. Forchette to Company's General Counsel re: Lee Creely's medical records	Email Correspondence	Karen Forchette	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/17/2020	Attorney-Client Privilege



15	Quality Assurance/Morbidity & Mortality Review prepared in anticipation of litigation by Company's General Counsel, for use in internal investigation	Memorandum/Notes	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	N/A (internal documentation)	9/17/2020	Attorney-Client Privilege; Attorney Work Product
16	Communication from K. Forchette to Company's General Counsel re: J. Harned's supplemental statement	Email Correspondence	Karen Forchette	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/18/2020	Attorney-Client Privilege
17	Statement from J. Harned about death of Lee Creely, prepared for review and analysis by Company legal department	Handwritten Statement	Jackie L. Harned	Company Legal Department	9/18/2020	Attorney-Client Privilege
18	Communication from K. Forchette to Company's General Counsel re: J. Harned's typed statement	Email Correspondence	Karen Forchette	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/23/2020	Attorney-Client Privilege

## CorrectHealth First Supplemental Privilege Log

January 26, 2023

#	Document Description	Document Type	Author	Recipient	Date	Privilege Claimed
7	Communication from CorrectHealth Medical Provider to General Counsel re: death of Lee Creely, sent to obtain for legal advice from Company legal department	Email Correspondence	Anuj Goel, M.D.	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/10/2020	Attorney-Client Privilege
8	Communication from CorrectHealth General Counsel to Medical Provider re: death of Lee Creely and statement concerning the same	Email Correspondence	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	Anuj Goel, M.D.	9/10/2020	Attorney-Client Privilege; Attorney Work Product
9	Communication from CorrectHealth Medical Provider to General Counsel re: death of Lee Creely and statement concerning same, sent to obtain legal advice from Company legal department	Email Correspondence	Anuj Goel, M.D.	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/10/2020	Attorney-Client Privilege
11	Communication from CorrectHealth Medical Provider to General Counsel re: statement concerning death of Lee Creely, prepared for review and analysis by Company legal department	Email Correspondence	Anuj Goel, M.D.	Company Legal Department	9/15/2020	Attorney-Client Privilege
12	Statement from CorrectHealth Medical Provider re: death of Lee Creely, prepared at request of General Counsel	Typed Statement	Anuj Goel, M.D.	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	9/15/2020	Attorney-Client Privilege
15	Redacted Quality Assurance/Morbidity & Mortality Review prepared in anticipation of litigation by Company's General Counsel, for use in internal investigation	Memorandum/Notes	Stacy Scott, Esq. (Chief Legal Officer/General Counsel for CorrectHealth)	N/A (internal documentation)	9/17/2020	Attorney-Client Privilege; Attorney Work Product

Doc 1

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**From:** Karen Forchette <karen.forchette@correcthealth.org>  
**Sent:** Tuesday, September 8, 2020 9:05 AM  
**To:** Stacy Scott  
**Cc:** Walter Smith; Susie Hatfield  
**Subject:** Lee Michael Creely

Stacy,

Geneva will be sending you his chart this morning. Jackie Harned LPN was his Unit 2 nurse over the weekend. She will be writing a statement that I will get to you also.

Karen Forchette BSN, RN  
Chatham County Sheriff's Office  
CorrectHealth - Health Services Administrator  
karen.forchette@correcthealth.org  
912-652-7720 office  
847-302-1619 cell  
912-652-7739 fax

Doc 2

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**From:** Karen Forchette <karen.forchette@correcthealth.org>  
**Sent:** Tuesday, September 8, 2020 1:33 PM  
**To:** Stacy Scott  
**Subject:** Creely  
**Attachments:** Scan\_0001.pdf

Here's the facility mortality review.

Karen Forchette BSN, RN  
Chatham County Sheriff's Office  
CorrectHealth - Health Services Administrator  
karen.forchette@correcthealth.org  
912-652-7720 office  
847-302-1619 cell  
912-652-7739 fax



---

**From:** Karen Forchette <karen.forchette@correcthealth.org>  
**Sent:** Tuesday, September 8, 2020 10:52 AM  
**To:** Stacy Scott  
**Cc:** Walter Smith; Susie Hatfield  
**Subject:** Creely  
**Attachments:** Creely.pdf

From Jackie Harned LPN

Karen Forchette BSN, RN  
Chatham County Sheriff's Office  
CorrectHealth - Health Services Administrator  
karen.forchette@correcthealth.org  
912-652-7720 office  
847-302-1619 cell  
912-652-7739 fax

Doc 4

9-8-2020

To Whom it May Concern,

Inmate Lee Cruly, Unit 2B, was medicated with Detox Protocol medication at approximately 0700 on Friday 9-4-2020. Inmate was alert and oriented. No complaints noted. At 1330 nurse passed PR medication in 2B. Officer notified nurse that Lee Cruly had been discharged. Medications were returned to Medication Cart.

On the following days Saturday 9-5-2020 and Sunday 9-6-2020 nurse was never notified of anyone vomiting in 2B. No emergencies or signals at all from 2B. Nurse was never notified Mr. Cruly did not discharge. Nurse was never notified of any issues in 2B.

Jarvis Harndes PW

9-8-2020

Doc 5

# Facility Mortality Review

Facility Name: Chatham



Last Name <u>Creely</u>		First Name <u>Lee</u>	
DOB <u>5.7.86</u>	<input checked="" type="radio"/> M <input type="radio"/> F	<input checked="" type="radio"/> W <input type="radio"/> B <input type="radio"/> H <input type="radio"/> A Other _____	
Date of Incarceration: <u>9.3.20</u>		Date of Death: <u>9.6.20</u>	

## CORRECTIONAL HISTORY

<input type="checkbox"/> Single Incarceration	Date of Intake: <u>9.3.20</u>
<input checked="" type="checkbox"/> Multiple Incarceration	Date of History & Physical: <u>NA</u>
	Date of Last Medical Encounter: <u>9.5.20</u>
	Last MH Encounter: <u>9.4.20</u>

## LOCATION OF DEATH

<b>ON-SITE</b> <input type="checkbox"/> General Population <input type="checkbox"/> Isolation / Segregation <input type="checkbox"/> Infirmary / SNU / Med Obs <input checked="" type="checkbox"/> Other: <u>Intake unit 2</u> <u>14 day quarantine</u>	<b>OFF-SITE</b> <input type="checkbox"/> Hospital > 24 hours <input type="checkbox"/> Hospital < 24 hours <input type="checkbox"/> In Transit <input type="checkbox"/> Other: _____
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## SUSPECTED CAUSE OF DEATH

<input type="checkbox"/> Chronic Illness	<input type="checkbox"/> Suicide
<input type="checkbox"/> Acute Illness	<input type="checkbox"/> Homicide
<input checked="" type="checkbox"/> Unknown	

## PEER REVIEW ANALYSIS OF PREMORBID CARE

Could the medical response at the time of death be improved?	YES	<input checked="" type="radio"/> NO
Was an earlier intervention possible?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Independent of the cause of death, is there any way to improve patient care?	<input checked="" type="radio"/> YES	<input type="radio"/> NO

## RECOMMENDATIONS

The group discussed all of the care rendered to the above patient. Following this discussion, all items of concern, if any, were discussed and, if needed, a Corrective Action Plan was set forth. The Corrective Action Plan, if applicable, will be shared with on-site staff members via education / staff meeting and will be monitored by the Clinical Services Team.

Completed by (MD / DO): <u>Adrian Morris MD</u>	Date: <u>9/8/2020</u>
Reviewed by (HSA / HSC / DON): <u>Karen Forchette RN</u>	Date: <u>9.8.20</u>
Provided to CH Counsel for Purposes of Legal Advice: <u>Stacy Scott</u>	Date: <u>9.8.20</u>
Received by CH Counsel: <u>Stacy Scott</u>	Date: <u>9/9/2020</u>

DocuSigned by:

Stacy Scott

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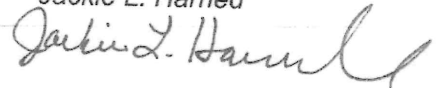
Doc 6

To Whom It May Concern,

*Inmate Lee Creely was housed in Unit 2. On Friday, 9/4/2020 Mr Creely was medicated with Detox Medications at approximately 0700 and 1530. Inmate was alert and oriented. No complaints or distress noted. The following day Saturday, 9/5/2020 at med pass nurse was notified per Correctional Officer inmate Lee Creely had been discharged. Medications were returned back to the medication cart.*

*At no time throughout the weekend (Friday, Saturday or Sunday) was the nurse ever notified of any inmate vomiting on Unit 2. The nurse was never notified Mr. Lee Creely did not discharge.*

Jackie L. Harned

A handwritten signature in cursive script, appearing to read "Jackie L. Harned", written in dark ink.

9/8/2020

Doc 10

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**From:** Karen Forchette <karen.forchette@correcthealth.org>  
**Sent:** Thursday, September 10, 2020 2:05 PM  
**To:** Stacy Scott  
**Subject:** Lee Creely

Just an FYI. The coroner's office is faxing a subpoena for his medical records.

Karen Forchette BSN, RN  
Chatham County Sheriff's Office  
CorrectHealth - Health Services Administrator  
karen.forchette@correcthealth.org  
912-652-7720 office  
847-302-1619 cell  
912-652-7739 fax



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**From:** Karen Forchette <karen.forchette@correcthealth.org>  
**Sent:** Thursday, September 17, 2020 3:24 PM  
**To:** Stacy Scott  
**Subject:** Re: Creely  
**Attachments:** Scan.pdf

Karen Forchette BSN, RN  
Chatham County Sheriff's Office  
CorrectHealth - Health Services Administrator  
karen.forchette@correcthealth.org  
912-652-7720 office  
847-302-1619 cell  
912-652-7739 fax

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**From:** Stacy Scott <stacy.scott@correcthealth.org>  
**Sent:** Thursday, September 17, 2020 3:18 PM  
**To:** Karen Forchette <karen.forchette@correcthealth.org>  
**Subject:** Creely

Need MAR, please.

Stacy M. Scott, Esq., Chief Legal Officer  
CorrectHealth Companies

Lenox Plaza • 3384 Peachtree Road, N.E. • Suite 700 • Atlanta, GA 30326

Main: 770.692.4750 • Direct: 770.692.4758 • Cell: 770.608.9315 • Legal Fax: 770.692.9379

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<div data-bbox="240 898 354 970" style="background-color: black; width: 70px; height: 34px; margin-bottom: 5px;"></div>	<div data-bbox="389 898 1240 1394" style="background-color: black; width: 524px; height: 236px;"></div>	<div data-bbox="1321 898 1338 940" style="background-color: black; width: 10px; height: 20px; margin-bottom: 5px;"></div>

QA Discussion by Group:

The group discussed all of the care rendered to the above patient. Following this discussion, all items of concern, if any, were discussed and, if needed, a Corrective Action Plan was set forth. The Corrective Action Plan, if applicable, will be shared with on-site staff members via education / staff meeting and will be monitored by the Clinical Services Team.



Doc 16

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**From:** Karen Forchette <karen.forchette@correcthealth.org>  
**Sent:** Friday, September 18, 2020 1:13 PM  
**To:** Stacy Scott  
**Subject:** statement  
**Attachments:** Scan\_0001.pdf

Karen Forchette BSN, RN  
Chatham County Sheriff's Office  
CorrectHealth - Health Services Administrator  
karen.forchette@correcthealth.org  
912-652-7720 office  
847-302-1619 cell  
912-652-7739 fax



Doc 17

9-18-2020

After review of statement on 9-8-2020 I realized  
Mr. Creely was medicated on 9-4-2020 at approximately  
0700 and approximately 1530 with Detox Medication.

It was 9-5-2020 that office notified nurse  
that Mr. Creely had been discharged. Medication  
for 9-5-2020 was returned to medication Cart.

On Saturday and Sunday (9-5-2020 and 9-6-2020)  
nurse was never notified of any vomiting in 2B.  
Nurse was never notified that Mr. Creely never  
discharged.

Jade Hand

Doc 18

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**From:** Karen M. Forchette <kmforchette@chathamcounty.org>  
**Sent:** Wednesday, September 23, 2020 11:10 AM  
**To:** Stacy Scott  
**Subject:** statement from Jackie Harned  
**Attachments:** image002.png; Creely.pdf



**Karen Forchette BSN, RN**  
**Health Services Administrator**

Phone: 912-652-7720

Email: kmforchette@chathamcounty.org

1050 Carl Griffin Drive

Savannah, GA 31405

[chathamsheriff.org](http://chathamsheriff.org)

*Choose a career that matters*